UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/122
20 March 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-second session

Items 8 and 10 of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 26 October 1995 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Upon instruction of my Government, I have the honour to transmit, enclosed herewith*, the "Memorandum on the Ethnic Cleansing of and Genocide against the Serb People of Croatia and Krajina". I would kindly ask you to distribute it to all the members of the Commission and to have it published as an official document of the fifty-second session of the Commission, under items 8 and 10.

(Signed) Dr. Vladimir Pavicevic
Ambassador

---

* The annex is being reproduced as received in the language of submission only.

GE.96-11281 (E)

ANNEX

MEMORANDUM

ON THE ETHNIC CLEANSING OF AND GENOCIDE AGAINST THE SERB PEOPLE OF CROATIA AND KRAJINA

INTRODUCTION

After having lived in Krajina, Western Slavonija, Baranja and Western Srem for centuries, the Serbs there today are facing extinction and the obliteration of all traces of their existence in these lands. Employing brutal military and police force the Croatian government has been and is forcing Serbs to abandon their ancestral homes and regions which they had managed to safeguard and preserve in the face of all earlier cataclysms.

Today, after repeated aggressive campaigns by the Croatian army, territories in which Serbs accounted for the majority or at least half of the population, have been completely ethnically cleansed. All traces of the centuries-long Serb presence, of their heritage, culture and religion are being stamped out and effaced from the face of the earth.

By the decisions of the Croatian government, the private property of the Serbs is being seized in Krajina and throughout Croatia in general, the objective being to prevent the return of Serb refugees, to create an ethnically pure Croatia.

Deliberately planned psychological and physical pressures were exerted on the Serbs for decades in preparation for repeated genocide, much like the one from the period of the Independent State of Croatia (NDH - 1941 -1945), when over 700,000 Serbs, Jews and Romanies were liquidated in the Jasenovac camp alone.

Since the outbreak of hostilities in 1991, over 400,000 Serbs have been forcibly expelled from Croatia (outside the territories of RSK). The attack of the Croatian army on the Republic of Serbian Krajina (RSK) early in August 1995, resulted in an unprecedented exodus of about 250,000 members of the Serb nation. Thereby the total number of Serbs banished from Krajina and Croatia reached the figure of about 650,000. This reduced the share of Serbs in the total population of Croatia, which, before Croatia's forcible secession, according to official Croatian data was above 12.5%, to a mere 2 - 3 %.

Parallel with the expulsion of Serbs, the campaigns of terror and violence also drove overwhelming numbers of members of national minorities out of Croatia. Of the about 20% non-Croats living in Croatia before its forcible secession, only 3 - 4 % remain today.

Croatia has been ethnically cleansed.

I ARMED AGGRESSIONS

A series of aggressions against the Serb population from 1991 to date, accompanied by a campaign of terror, forcible expulsions, mass killings and war crimes (the Medak pocket, the Pakrac field, Maslenica, the Miljevac plateau), culminated in invasions on UNPA sector West on May 1, 1995 and on UNPA sectors North and South on August 4, 1995.

A) Aggression on Western Slavonija

In the aggression of the Croatian army on UNPA sector West (Western Slavonija) on May 1, 1995, according to the data established to date, over 3,300 Serb civilians and over 1,000 RSK soldiers* were killed. About 20,000 Serbs were expelled from this area in the process. This armed operation of Croatia was geared to destroying the civilian Serb population and completing its ethnic cleansing of Western Slavonija, begun in 1991.

By occupying the entire territory of UNPA sector West the armed forces of the Republic of Croatia in conjunction with its special police units and paramilitary groups, flagrantly breached the Agreement on the Cessation of Hostilities of March 29,1995 as well as the relevant resolutions of the UN SC calling for the observance of this Agreement, for refraining from the use of force and the phased and negotiated resolution of the problem. Thereby they also trampled on the Vance Plan, whereunder this area was declared a protected zone.

In its aggression on RSK, the Croatian army committed the crimes of genocide and of ethnic cleansing, as attested to by numerous statements of witnesses, reports of representatives of the UN, the EU Mission, the ICRC, of the press, as well as by the "Helsinki Watch" Report from July 1995.

Killing of Civilians

- On May 1 and 2, 1995, Croatian armed forces committed the crimes of the ruthless killing of civilians, the destruction and looting of houses and flats in the villages of Pankovac, Medari, Smrtić, Vrbovljani, Čovac, Gradjani and Donji Bogićevci. Similar crimes were committed in other places as well.

- On May 1, 1995, the Croatian army bombed from the air and shelled from artillery columns comprising about 2,000 refugees, near Nova Varoš, on the Okučani - Gradiška road, killing more than 200 women and children.

- On May 1, 1995, Croatian units massacred all the Serb villagers they found in the village of Paklenica, east of Novska, mostly women, children and old people. Some of the identified victims are Pantelija Kovačević (74 years old), Vera Kovačević (65), Desanka Vukotić (68), Petar Vukotić (70), Vukašin Božić (70), Dragica Pavlović (58), Aleksija Rauš (43), Vesna Rauš (19, burned alive by Croatian soldiers and police in the cellar of the house in which the medical corps in Paklenica was).**

- In the village of Medari, among others, the four-member Vuković family was killed, in which the children Gordana and Goran were only 10 and 4 years old respectively. The same things happened in Nova Varoš and in many other places.

- The Croatian authorities failed adequately to account for the killing of Serbs during the offensive. Initially they reported the number of Serbs killed to range between 350 and 450, only to subsequently correct that figure to 188 dead.

Demolition and Looting

- Over 9,000 Serb houses as well as the only remaining bridge on the Sava river near Gradiška were demolished in order to prevent the exiled Serb population from returning.

---

* After they had already accepted the cease-fire and stopped resisting.

** The bodies of many victims were disfigured or fragmentized to such an extent as to render identification impossible.

- All the episcopes of the Serbian Orthodox Church (SPC) were banished from Croatia, their residences demolished and the remaining Orthodox churches razed to the ground or heavily damaged. The Slavonian Eparchy of the SPC which had existed in this region ever since the 16th century was completely destroyed.

- In Jasenovac,* the Church of the Nativity of St. John the Baptist from 1775 (which was burned down by the NDH fascist regime in 1941, rebuilt in 1984, damaged by the armed forces of the Republic of Croatia (RH) in 1991), was again looted, demolished and desecrated.

- The Church of St. Demetrius, erected in the Serb town of Okučani in 1751 (demolished by the NDH in 1942, rebuilt in 1969, damaged by the RH army in 1991), was damaged this time again and plundered of all its valuables.

- Croatian soldiers forcibly seized from the Serbs their automobiles, tractors and money, and then threatened to kill them unless they left Western Slavonija. Many of the evildoings took place at night in order to prevent the few international observers from ascertaining the facts.

- On May 2, 1995, Croatian soldiers looted the troops was stationed and seized their arms and personal effects, including $ 25,000 in cash.**

Arrests and Expulsions

- Despite their promise that they would allow Serb civilians and soldiers freely to leave the region escorted by UN members, the Croatian authorities reneged on the agreement and areested about l,5000 Serbs, mostly men fit for military service, whom they separated from the women, chiuldren and elderly persons and interned in prisons in Varaždin, Požega and Bjelovar.

- About 400 Serb men aged l5 to 28 were incarcerated at the Bjelovar camp. Sixty-three men were imprisoned in the elementary school of the village of Seovica. In Jasenovac there is not a single Serb any more (save for a few women who have found shelter with UNCRO).

No one in the Croatian army and police has answered for any of the crimes committed against the Serbs during their aggression on Western Slavonija.***

Despite overwhelming evidence of the war crimes committed, the Croatian authorities denied there having been any, and in fact of there having been any looting. No action has been brought against anyone before the war crimes tribunal despite the existence of irrefutable proof of crimes committed against Serb civilians.

---

* Jasenovac - the largest concentration camp in the Balkans in World War II in which the then authorities of the NDH killed over 700,000 Serbs, Jews and Romanies.

** "Helsinki Watch": Croatia - Offensive of the Croatian Army on Western Slavonija, July, l995.

*** In the entire territory of Western Slavonija there does not exist a single complete Serb family of middle and younger age. Traces of looting are in evidence in the stores and deserted houses. People released from the camps do not possess any documents from the Croatian authorities (except Red Cross cards as proof that they had been registered). Neither the Croatian military authorities nor people of Serb nationality can say, not even approximately, how many Serbs (including in the camps) have remained in the entire region. The overwhelming majority know nothing of the fate of their dear ones. Traces of blood have been washed from the roads. Bundles, heaps of clothes, car wrecks - all these speak of flight for dear life, of violence. By erecting an information barrier, limiting the movement of resentatives of international organizations, by the systematic burning of the people killed and their burial in unmarked mass graves and by washing the roads, Croatia sought to remove the traces of its massive crimes.

B) Aggression of Krajina*

The armed aggression of Croatia on August 4,1995 on the Serb people in UNPA sectors North and South was carried out with a force numbering 100,000 troops and 50,000 members of the police, with the use of heavy artillery and aviation. The attack on RSK was partly launched from the territory of another State, i.e. the former Bosnia and Herzegovina. In preparation for the aggression, Croatia had been arming itself for so long time in contravention of the UN embargo on weapon imports, concluded a military agreement with the Mosiem government of A. Izetbegović and engaged foreign military planners and experts.

The aggression on RSK took place on August 4, 1995, after its leadership had, on August 3, 1995, accepted the platform for negotiations proposed by Thorvald Stoltenberg, Co-Chairman of the International Conference on the Former Yugoslavia.

Killing of Civilians

- Defenceless columns of Serb refugees trudging towards RS and FRY were shelled from artillery and bomed from the air. Near the town of Petrovac in RS, Croatian aviation killed 10 and gravely wounded about 50 refugees, attesting to which there exists TV footage. MIG-21 aircraft bombed refugee columns moving in the direction Novi Grad - Prijedor, killing the old woman Marta Galogaža from Vrginmost, her disabled son Rade Galogaža and another person whose identity has not been established. Two children were among the wounded. This crime was confirmed by M. Nieberg, UNHCR representative in Sarajevo.

- The Croatian Helsinki Committee (HHO) announced that they were in possession of "evidence of 263 bodies found, of which 107 were of civilians, 156 of soldiers and policemen, and none of which have been identified". The bodies were found in Kosovo, a place on the road from Gračac to Otrić, in Gračac-Pošta, in Žagar, Žagrović, Komazeci, at the town cemetery in Knin, in Srb, in the forest near Srb, in Biljani Gornji, Bruvno, Mazin, Podgradje, the barracks in Golubić, in Kovačić, Ličko Petrovo Selo, Frkašić, Ivaševci, Udbina, Čista Mala, Kričke, Lički Cerovac, at the Orthodox cemetery in Korenica, in Knin, and some at the Knin hospital.

- UN members counted 96 crosses on one mass grave alone at the Knin cemetery, most of which were marked NN (unknown).**

- Between August 7 and 9, 1995, UN members found the bodies of 41 civilians and 62 soldiers in mass graves in the area of Knin, and in the area of the communes of Zadar, Korenica and Gračac, the bodies of 104 civilians and 120 soldiers killed by the Croatian forces during the first five days of their aggression of RSK, Sector South.

- On August 29, 1995, 71 fresh mounds were found in Gračac, 10 of which were marked by names and the rest by numbers.

- Eighty-three wounded persons were taken from Glina in the direction of the Abez woods near Vrginmost and summarily executed. Their bodies were destroyed by

---

* The first historic records of the Serbs settling the region of Krajina date back to the year 822. It was in the 16th and 17th centuries that the Serbs settled the region of Lika, Kordun, Banija and Slavonija en masse, when, at the invitation of the Austrian emperor, special Serb military units were formed to defend the empire from the Turks, which formed the frontier zone - the Military Frontier (Krajina), which enjoyed a special status and had elements of statehood within the Austrian Empire.

** Report of the Fact-Finding Mission of the Hlesinki International Human Rights Federation on the Situation in Krajina - Vienna, August 25, 1995.

chemicals. This crime was committed by the II Croatian army (HV) guard brigade (I company of the II battalion).

- On the road from Glina to Topusko and Topusko - Kladuša, a refugee column was bomed by Croatian aviation. After the bombing, the road was cleared of demolished tractors, automobiles etc. by bulldozers and then washed.

- All refugee convoys which on August 6 and 7, 1995 were moving along the following routes: Jabukovac - Kamogovina - Levča - Rujevac (about 50 tractors), Jabukovac - Prevršac - Suva Medja, and Miočinovići - Rujevac (between 20 and 30 tractors) perished, or their fate is completely unknown.

- On the road from Jabukovac to Kostajnica, in a ravine beneath the hamlet of Donja Pastruša, some 30 demolished tractors were found (which transported at least one hundred people), exhibiting traces of bullet holes. Witnesses claim that these people were killed from an elevation called Žilić by the Home Guardsmen Battalion from Slunj and the II guard brigade of the HV.

- On August 9 or 10, 1995, in Jošavica near Petrinja, Slavko Stupar (60) was killed by members of the same brigade who slit his throat, finished him off with an ax and then burned him. In addition to him, another eight to ten people were killed in the same place. In Donji Hrastovac, near Sisak, Božić Stevo, 70 years old, was killed.

- On September 28, 1995, in the village of Varivode near Kistanje, 9 Serb civilians aged from 60 to 85 were massacred on their doorsteps. UN, EU as well as HHO reports confirm that their killers wore Croatian army uniforms.

- On August 27, 1995, in the village of Gošić, 7 Serb civilians were killed, all about 70 years of age, all bearing the same surname Borak. In this village there is no longer a single inhabitant of Serb nationality.*

- On August 11, in the village of Golubac, the EU Monitoring Mission found the body of an old man shot in the head, and on September 11, 1995, the bodies of two women also killed by shots in the head at close range. Every day the mission found up to 6 bodies of people killed in the same or similar manner.

- The UN Human Rights team found 4 bodies in the village of Žagrović near Knin. Three of the bodies had bullet holes in the head. The right hand fingers of one of the victims had been cut off. The body of the fourth person was mutilated to such and extent that its sex and cause of death could not be established. The bodies of another three civilians were found in the near-by village of Zvjerinac.

- The Canadian Brigadier General A. Forrand confirmed to the representatives of the Helsinki International Federation that on the main road leading to the hospital in Knin he had registered 22 bodies of killed people, mostly women and children, with only two bodies being in RSK Army uniforms.

- The bodies of killed and half burnt Desanka and Cvija Matijević (both about 65 years of age) were identified in the village of Bijeli Klanac. Two more unidentified bodies were found in the same condition, as well as the body of a ten-year old child.

- In a report from September this year, "Amnesty International" state that it has been established that Croatian armed forces were executing Serbs from Krajina without a trial, as well as that Serbs were being maltreated and their houses systematically destroyed, which all amounted to "a form of collective punishment of the Serbs in that area with a view to deterring them from returning". This organization, which has knowledge of the executions of scores of civilians, sent a letter of protest to the Croatian

---

* The "Feral Tribune", Split, October 17, 1995

government, adducing, inter alia, the example of the village of Grubori where the bodies of 5 persons had been found, including of an 80-year old man and a 90-year old woman. The report stresses that of the 200 graves recently dug at the Knin cemetery, 120 had no markings at all.

- The Croatian forces deliberately killed 3 and wounded 20 members of the UN peace forces. Major R. Lepage, UN spokesman in Zagreb, stated on August 5, 1995, that "their death is the result of a direct artillery attack by the Croatian army on their observer post".

- The British journalist John Scoffield (29 years old) was killed deliberately by Croatian soldiers at close range on August 9, 1995 near Vrginmost, while a BBC crew was filming Serb houses being torched. Two of his colleagues were wounded on that occasion.

- Captured Serbs were used as a human shield by the Croatian army, and this was even done with 11 senior citizens from the Retarded Persons Home near Topusko. Later members of the peace forces found the bodies of killed old people, among which one in a wheelchair.

- UN observers found bodies as much as 10 days old. They were mostly the bodies of old people, shot in the back of the head or slaughtered. The bodies of two executed Serbs lay at the entrance to Knin for 10 days, despite the fact that UNCRO representatives demanded from the local authorities to investigate the matter and bury the wretched people.

- UN observers give accounts of the testimonies of villagers who were ordered by the local Croatian authorities to assemble in the school to be taken census of. In the meanwhile their homes were set fire to, with people who had been unable to move burning to death in them.

- On August 6, 1995, Djuro (father Ljuban) Borojević from Borojevići (Kostajnica) was killed in front of his house, and his estate was set on fire. Miloš (f.Nikola) Borojević (born in 1948) from the same village was killed in a similar way. His throat was slit and he was burned together with his house.

- The spouses Dobre - Luka (91 years old) and Milica (89 years old), the village of Prukljen, were killed and their bodies set to fire together with their house.

- On August 3, 1995, in Rijeka, the Serb Branko Dražić, from Kordunski Ljeskovac, (39 years old) was forcibly mobilized. Six days after that his family was informed that they were to come for his body and bring the money necessary for transport because " the state will not pay transport and burial expenses for deserters". Allegedly, B. Dražić refused to shoot at his people, so they discharged him from the unit and let him "cross over to his people". The family established that he had been shot in the back at close range.

- UN civilian police reported an incident near Vrginmost which happened on August 10 this year, when a group of Croats beat up 17 Serb refugees (13 men and 4 women) and then took them into a building. The Croatian police present at the scene prevented UN representatives from intervening. The next day UN representatives saw the body of a civilian shot in the back of the head at that very spot.

---

* The "Independent", London, August 11, 1995.

** The "Rude Pravo", Prague, September 13, 1995.

*** UN spokesman R. Lepage, press conference, Zagreb, August 11, 1995.

**** UN spokesman R. Lepage, press conference, Zagreb, August 11, 1995.

- Croatian police photographed an old Serb man near Knin, and when UN police returned to the place less than an hour later, the man lay dead, having been shot in the back of the head.*

- UN members confirmed that they were encountering difficulties in establishing the number of people killed and missing because the Croatian authorities were not at all cooperative and did not allow the "blue helmets" access to many places in Krajina where crimes had been committed.**

Burning and Looting

- The aggression on Krajina was attended by large-scale and systematic destruction and plunder of all inhabited places, industrial and infrastructural facilities, hospitals, schools, as well as of historic and cultural monuments. On August 4 and 5, 1995, 10,00 shells landed on the city of Knin alone.

- Over 70 per cent of Serbian houses were destroyed or burned down by the time of elaboration of this Memorandum.

- As they abandoned their ethnic areas, the Serbs also had to abandon their sacred values, the traces of their centuries-long presence in Krajina: old Orthodox churches and monasteries, museums and treasures of their cultural and artistic heritage, the graves of their ancestors, important historical landmarks and archaeological sites, the "Jasenovac" Memorial Complex as well as the "Plitvice" National Park which has been included in the world's heritage list and protected by UNESCO, a total of around 950 monuments of culture, 80 libraries and 122 schools. These priceless historical and artistic values have remained unprotected and are being wantonly looted and devastated by the army of RH.

- The invaluable historical and artistic treasures in the Krka Monastery, which dates back to the 14th century, were destroyed and looted, as well as 43 churches in the areas of Bukovice and Ravni Kotari. The Croatian army burnt down the famous 15th century monastery Krupa which housed a large number of fresco-paintings, icons and church objects.

- UN observers established that during their inspection of the area between Knin and Drniš along an 18-km section there were 45 Serb houses ablaze. Almost all houses and apartments in the streets outside the centre of Knin were burglarized and looted.

- After the cessation of military operations, Knin was "systematically and totally pillaged". The first wave of pillage took place when the shock units of the 4th and the 7th Brigade entered the town. The UN representative stated that the second wave of pillage was conducted by the civilian and special police units of the Republic of Croatia.

- The Zadar-Knin district-prefect Šime Prtenjača stated on 17 August 1995 that "the reign of a special kind of anarchy is in evidence in Knin" and that the phenomena of classical looting and disarray had been reported. The military commander of Knin, General Čermak bears most responsibility for this and has been accused by the district-prefect of arbitrariness (Interview to Radio Zadar on 17 August 1995).

- The following towns of Banija and Kordun were devastated: Petrinja, Glina, Topusko, and the villages of Trepča, Dugo Selo, Kirinje, Katinovac, Grmuša, Staro Selo and Bović were burnt down. The few houses that have not been destroyed are marked

---

* UN spokesman R. Lepage, press conference, Zagreb, August II, 1995.

** UN spokesman R. Lepage, press conference, Zagreb, August II, 1995.

as reserved for their future Croatian occupants. Witnesses have only seen 3 Serb civilians within a range of 90 km.

- The villages Kistanje and Srb were burnt down and looted, whereas 70 per cent of the village Donji Lapac was destroyed.

- They organize veritable looting rail tours from Split to Knin and passengers pillage private property of the uprooted Serbs. The Croatian authorities are, quite evidently, turning a blind eye to such widespread practices and doing nothing to prevent or sanction them.

- The spokeswoman for the UN Peace Force HQs in Belgrade S. Manuel stated on 27 September 1995 that a team of UN military observers had visited 240 villages in the former Sector South and established that around 73 per cent of buildings had been burnt down.

The UN spokesman C. Gunnes told a press conference on 8 September 1995 that members of the Croatian Army were continuing systematically to set alight and loot houses in Sectors South and North and that they were maltreating the remaining Serb civilians, of which UN had proof. UN observers noted that each house in the village Frkašić near Korenica had been looted and vandalized. Houses were set on fire at Debelo Brdo. Hundreds of houses along the Serb - Otrić section went up in flames. In Sector North houses at Javni, Kosna, Donji Žirovac, Bruvno, Gornji Klasnić and Paukovac had been torched.

- The data on massive looting of Serb houses in Knin were also confirmed by A. Roberts, UN spokesman in Knin, who stated that "UN military observers have seen Croat soldiers sitting triumphantly atop their tanks with stolen VCRs, TV-sets, etc."

- According to a statement of the Force Commander for Sector South, A. Forrand on 12 October 1995, they had visited 389 villages and established that 16,578 houses had been burnt down or severely damaged.

- The buildings where representatives of various international organizations had lived and worked have also been looted and destroyed (broken window panes, destroyed furniture, etc.).

Arrests and expulsions

- The Croatian authorities do not disclose the data on the number of Serbs held in Croatian camps. In view of the fact that they were established in larger facilities (schools, gymnasiums) the number of Serb detainees may be in the order of several thousands.

- The Croatian authorities do not permit UN officials to contact any of the arrested Serbs held in the detention camps in Zadar, Šibenik and Split, despite the agreement reached with the UN Secretary-General's Special Representative Y. Akashi to that effect.

- Serb detainees are held at a number of camps. The Elementary School "22. Lipanj" and the Economic Secondary School in Sisak have been transformed into detention camps, as well as the Elementary Schools "Šime Budinić" and "Šimun Kozičić" in Zadar, the Students' Hostel in Karlovac, the Sports Hall near the Elementary School "Stjepan Radić" in Šibenik and the Fire-brigade Centre in Kutina. No information is available on the whereabouts of Serb detainees in Gospić and in Novska. Information on the Serbs arrested in Ivanić Grad and Sinj is only obtainable from the local Red Cross.

---

* The "Feral Tribune", Split, August 1995. (Stolen goods included computers, bullet-proof vestes, mobile radio-stations, UN uniforms).

- Serb refugees from RSK were attacked during their passage through Sisak as reported by the world's media as well. The unruly mob attacked refugee convoys, blocked their passage, smashed windshields of their vehicles, showered them with stones and rubbish, beat passengers viciously and looted their personal effects. A woman died as a result of the injuries she had sustained on that occasion. The UN Civilian Police found 15 damaged vehicles with Krajina registration plates but the fate of the passengers remains unknown. The Croatian authorities which reached agreement with the UN on the route to be followed by refugee convoys did not honour their commitment to grant their safe passage.

- For over a month after the aggression, the Croatian authorities held captive a total of 1,261 Serbs, of which around 100 were children aged from 1 - 14 at the Knin UNPROFOR Base and in prison in Zadar. The Croatian authorities made the handing over of 38 persons who were alleged by them to have committed war crimes the condition for granting permission to other refugees to go to FRY. According to the statements by UN representatives among those so accused were an 82-year-old man, 2 children and a mistakenly identified woman.

- A month after the aggression, a group of 32 exiles from Krajina, aged between 75 and 85, who had been unable to escape from the advancing Croatian army were transported from Topusko to FRY.

- The wave of euphoria after the capture of Krajina and the prospects for the "final settlement of the Serb question", led to intensified attacks on the remaining Serbs in other parts of Croatia to make them, too, abandon their homes. Many Serbs in Velika Gorica near Zagreb are receiving threatening letters demanding that they leave Croatia. In Istria pamphlets have appeared whereby an "Istrian Black Hand" threatens to slaughter any Serb who does not abandon Croatia.

II SEIZURE OF PROPERTY AND PREVENTION OF RETURN

On 21 September 1995 Croatia adopted a regulation on the temporary possession and management of specified property, whereby it, in effect, confiscated all real estate from hundreds of thousands of Serbs expelled from Krajina and parts of Croatia. This legislation also takes away the property owned by all other persons who do not have Croatian citizenship and primarily the citizens of FRY (houses, plots, apartments, vacation homes, etc.). At the same time, local land-registry books are being destroyed along with all other documents which serve as proof of the owners' identity and the ownership title both of the Serbs expelled from the occupied parts of Krajina and of those who still live in Croatia.

Even though the execution of this decision has been delayed for 90 days, it in fact means a massive confiscation of any real estate owned by the Serbs and Montenegrins that have been registered as its owners in the relevant land-registries. This unprecedented decision constitutes a violation of the basic human right to the inviolability of private property. As it was taken primarily to the detriment of Serbs and Montenegrins, it represents an act of racial and/or ethnic discrimination.

The object of this policy is to prevent the expelled Serbs from returning to their homes which they have abandoned in response to the Croatian army's threat of the use of force as well as to settle Croats in their estates. This is confirmed by the public calls being made by the highest-ranking Croatian officials to the Croats (but not to the Serbs)

---

* UN - Zagreb, AP, ITAR - TASS, I0 August I995.

to return in the largest possible numbers and settle down in the areas until recently inhabited by the expelled Serbs.*

The Serbs are openly told not to reckon with the possibility of any rapid or organized return to Krajina, as most directly confirmed by the Minister in the Croatian Government and Director of the Office for Expelled Persons and Refugees A. Rebić in his statement thatć "the Serbs' return will be much more difficult than their leave" as their return will be associated with "a large number of administrative problems."**

The same message has been addressed to the expelled Serbs from the highest office as well. Namely, on 26 August 1995 President Tudjman told a rally in Knin that "As of today Knin is Croatian and never again will there be a reverting to the past."***

By seizing their property and preventing the return of the expelled Serbs, Croatia is also directly violating the provisions of UN Security Council resolution 1009 of 10 August 1995 whose operative para. 2, in line with the internationally recognized standards and the agreement of 6 August 1995 between Croatia and the UN Peace Force, requires Croatia to: (a) observe fully the rights of the local Serb population, including their rights to a safe return, leave or stay; (b) provide access to that population for international humanitarian organizations; and (c) create the conditions for the return of persons who have abandoned their homes.

III CHANGE OF STATUS

By her aggression and the consequent exodus of Serbs, Croatia has produced a state which it now is formally invoking to call for the revision and annulment of the constitutional rights enjoyed by the Serbs so far, reducing them to the status of a minor ethnic community doomed to disappear altogether from these parts in the foreseeable future.

Immediately after the aggression had been committed, amendments to the Constitutional law on human rights and freedoms and the rights of ethnic and national communities or minorities in the Republic of Croatia were announced. At its session held on 4 September 1995, the Government decided to suggest to the Parliament to adopt, in a summary procedure, a separate Constitutional law suspending certain parts of the Constitutional law on human rights in force and thus to, virtually, erase the Serbs from the Constitution once again.

As vast numbers of Serbs have had to leave (and are still leaving) Croatia under pressures and in fear for their lives, thus reducing their own population more than six times over compared to their numbers before the aggression on Western Slavonia and the greatest part of RSK, the Croatian authorities are already officially calling in question the Serbs' right to be proportionately represented in Parliament, the Government and in other administrative agencies, since they now account for less than the legally prescribed 8 per cent in Croatia's total population. The announced amendments to the Constitutional law on the rights of national communities or minorities envisage the abolishment of the districts of Knin and Glina which so far have enjoyed special self-governing (autonomous) status, even though in nominal terms only. The object of

---

* President F. Tudjman's speech en route to Split on 26 August 1995, the "Vjesnik" - Zagreb, 27 August 1995.

** "Novi list" - Rijeka, 22 August 1995.

*** The "Slobodna Dalmacija" - Split, 27 August 1995.

the announced population census to be conducted in the near future is but to legitimize the newly created situation following the forcible expulsion of the Serb population.

In Croatia everything is being done to rule out any possibility for the Serbs as a nation to be able to exist in it as a people.As soon as the Serbs start organizing themselves along any political, spiritual, national and economic lines on a more permanent and durable basis, their activities are labeled anti-Croatian. All political, legal, administrative, military police and other mechanisms are activated to thwart such attempts and initiatives. On the pretext that the Croatian Constitution and laws guarantee and protect the equality and all rights of the Serb people in Croatia, that people is in fact being discriminated against in Croatia, the very kind of discrimination which dates back to the 19th century, to the Ustashi period of Pavelić's NDH, the final act of which was the assumption of power on the part of the Croatian Democratic Union (HDZ) and F. Tudjman.

IV CONDEMNATIONS BY INTERNATIONAL FACTORS

Through the statements by her top-ranking officials (President F. Tudjman, Vice-Premier I. Kostović, Ministers M. Granić, G. Šušak, J. Radić, as well as A. Rebić and I. Tolj) Croatia sought to minimize and refute by untruthful claims the reports of impartial international organizations, foreign observers and media on the gravest war crimes, violations of human, civil,property and other rights of the Serbs. Nevertheless, the nature and the large scale of the committed crimes elicited a strong response and condemnation by the most prominent international factors:

- In his report to the Security Council, UN Secretary-General B. Ghali made grave accusations against Croatia, noting that the Croatian army took little heed of the safety of the UN personnel and of Serb civilians during its offensive on Krajina.*

- The statement by the UN SC President in August 1995 strongly warns the Croatian government on account of the violation of the rights of the Serbs in Krajina including their right to remain there or the right of safe return. The Croatian government is called upon to end human rights violations, lift all restrictions in the way of the return of refugees and indemnify them for their damaged property.

- On 29 September 1995 the UN SC sent a strong warning to the Government of Croatia in response to the latter's arrogant and highly inhumane attitude to the Serbs who had fled their homes in the face of Croatian aggression and whose return the Government of Croatia does not allow. The UN SC demands that the Croatian Government undertake an investigation of all persons who committed humanitarian crimes against the Serbs in the course of their exodus from Krajina.

- The report of the EU Monitoring Mission** accuses Croatia of "deliberate hostile operations characterized by killings, the burning of houses and the looting of the property of the remaining Serbs and of preventing all those who had fled in the course of Operation Storm from returning to the area. The report sets out that the calls being made by Croatian officials to the Serbs to return are "in stark contrast to the actual realities". The Croatian authorities are, likewise, accused of refusing to grant access to areas where there are indications that crimes have been committed.

- The EU Co-Chairman for the former Yugoslavia, K. Bildt, stated on 4 August 1995 that "the Croatian president F. Tudjman could be accused of war crime for the shelling

---

* The "Berliner Zeitung", 24 August 1995.

** Special report by the European Union Monitoring Mission - Zagreb, September 1995.

of civilian targets in Knin". Because of this statement, the Croatian side has refused any further co-operation with Co-Chairman Bildt.

- The US Assistant Secretary of State for Human Rights, J. Shetak, has condemned in the strongest of terms the killing of elderly people, the looting of property, the burning of houses and other violations of the Serbs' human rights in Croatia. He indicated that the U.S. might consider terminating financial assistance and political support to Croatia unless the latter's authorities condemn those responsible for killings and for other criminal offences committed against the Krajina Serbs. He asked Croatia to enable the Serbs to return to their homes as well as to repeal her law on the large-scale confiscation of Serb property.*

- FR Germany's Foreign Minister K. Kinkel condemned the behaviour of the Croatian authorities**. In his letter to the Foreign Minister M. Granić he pointed to the dangers of the destruction of "the life base of the Krajina Serbs", the measures to discourage their return to their native areas, which "ultimately result in their ethnic cleansing". Minister K. Kinkel, likewise, warned, in his statement of 12 August 1995, that "people in flight and in distress are not game to be shot at" and called on Croatia to cease attacking Serb refugees from Krajina.

- Austria's Chancellor F. Vranizki condemned the military offensive on Krajina and accused Croatian leaders of indifference to the suffering of civilians who had become victims to their struggle for power.***

V SUMMARY

During their aggression on Krajina, the Croatian authorities flagrantly violated a large number of international conventions.

By mass killings, planned expulsions of the entire Serb population and by systematic eradication of all traces of their centuries- long life in these parts, Croatia committed the crime of genocide against the Serb people for the second time in the past 50 years.

Croatia is responsible for massive war crimes against Serb civilians, as attested to by the reports of impartial international fora and observers.

Regrettably, nobody from Croatia has so far been called to account for the committed war crimes and for the genocide against the Serbs.

As a result of this persistent policy pursued by the Croatian Government, around 650,000 Serbs were expelled, among other, from Krajina and Croatia in the 1991 - August 1995 period. Of that number, 250,000 Serbs were driven away in the May - August 1995 period alone by the military operations against Sectors West, North and South. This has given rise to the problem now facing FRY of providing for over 650,000 refugees from those parts.

Croatia has carried out the largest ethnic cleansing since World War Two. Croatia is ethnically cleansed today whereby it has achieved a strategic objective of its secession from the former Yugoslavia. In less than four years Croatia has managed to carry out what the quisling NDH and its leader A. Pavelić failed to do in their time.

---

* Reuters, 30 September 1995.

** The "Slobodna Dalmacija" - Split, 25 August 1995 according to the Munich daily "Sueddeutsche Zeitung".

*** The "Slobodna Dalmacija" - Split, 5 August 1995.

By confiscating the property of all Serbs and Yugoslavs in Krajina and in Croatia, the Government of the Republic of Croatia has violated the universal and sacred right on the inviolability of private property. Considering that it has carried out this act guided exclusively by national criterion, this represents a glaring example of national, racial and religious discrimination.

The over-all attitude and behaviour of the Croatian authorities at all levels confirm that it is Croatia's strategy to prevent the return of the Serbs to their ancestral homes. This is particularly evidenced by widespread examples of destruction of monuments of culture, churches, monasteries and cemeteries, as well as the confiscation of the immovable property of Serb owners from Krajina, Croatia and FR Yugoslavia.

Belgrade, October 1995

- - - - -